

AMENDMENT
U.S. Appln. No.10/766,748

REMARKS

Interview Summary:

Examiner Azpuru contacted the Applicant on March 9, 2005 and indicated that the amendment filed 7/7/2004 was non-compliant with rule 37 CFR 1.173 and that a submission of entire 'Amendment to the Claims' section of the response should be filed. Applicants would like to thank Examiner Azpuru and Mr. Bill Dixon for their cooperation in this matter.

STATEMENT OF STATUS AND SUPPORT FOR ALL CHANGES TO THE CLAIMS

PURSUANT TO 37 CFR 1.173(c):

Claims 1 and 3-35 are pending. Of these, claims 1 and 3-15 are from the patent. Claim 1 has been amended. Claim 2 has been canceled. Claims 3-15 are unchanged. Claims 16-35 have been added.

Claim 1 has been amended by changing the term "particle size distribution" to read --average particle size--. Support for the amendment may be found, e. g., in col. 1, lines 33-37 (a statement of the problem); col. 2, lines 27 and 33 ("smaller particle size" and "larger particle size", respectively); and col. 2, lines 45-53 ("the smaller particles (active substance) have an average particle size of 0.5-10 μm ...the excipient (larger particles) have an average particle size of 10 to 100 μm ..."). See also column 3, lines 13-33 describing the invention in terms of "average particle size".

Claim 2 has been cancelled (or actually was previously cancelled by applicants in the amendment filed on March 14, 2003, and is made of record herein.)

Claims 7-10 have been amended to place so that these claims no longer lack antecedent basis in the claims from which they depend. No new matter has been introduced into the application by way of amendment

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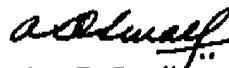
New claims 16-35 have been added, and all are directly or indirectly dependent on claim 1. The new claims, all dependent claims, are presented to provide full support for the chemical character of the invention as originally conceived. Support for the new claims may be found through the patent, e. g.

Claim 16 – col. 4, lines 13-16
Claim 17 – col. 4, lines 55-58
Claim 18 – col. 5, lines 9-14
Claim 19 – col. 5, lines 24-26
Claim 20 – col. 5, lines 30-33
Claim 21 – col. 6, lines 28-35
Claim 22 – col. 6, lines 35-36
Claim 23 – col. 6, line 36
Claim 24 – col. 6, line 36
Claim 25 – col. 6, lines 39-40

Claims 26-35 correspond to claims 16-25 and recite all of the limitations referred to in claims 16-25, with the additional element being the inhalable powder of claim 15 (col. 6, lines 41-44).

If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,


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